

REMARKS

Applicants respectfully request entry of the amendments hereinabove, reconsideration of the Office Action mailed on August 6, 2007 and allowance of the claims.

Applicants' claim of foreign priority was acknowledged in the updated filing receipt.

Applicants' election of a single disclosed species (Example 1) on 7/31/2007 was acknowledged.

Applicants' Information Disclosure Statement, filed on 08/30/2004 was acknowledged.

Claims 2-7 and 19-41 are objected to because of the following informalities: there is no period at the end of said claims.

Applicants have amended claims 2-5 and 7 (6 having been cancelled) and 19-41 by adding a period thus obviating the objection.

Claim 19 is objected to because of the term "XXX" in the middle of pages 212 and 223 is a typographical error

Applicants have amended claim 19 by deleting the term "XXX", thus obviating the objection.

Claims 5-6 are objected to because they appear to be duplicates to one another.

Claim 6 has been canceled, thus obviating the objection.

Claims 12-14 and 17-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The rejection states that the claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The rejection also states that in claims 13-14, a method of treating parasitic infestation in an animal is recited, but the specification is not enabled for such a scope.

Applicants submit that claims 12-14 and 17-18 are fully enabled under 35 U.S.C. 112, first paragraph. However, in the interests of expediting prosecution Applicants have herein canceled claims 12-14 and 17-18 but reserve the right to file a divisional application to such claims.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

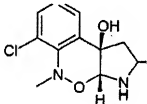
Applicants submit that claims 1-5, 7, 8, 10 and 15 (as amended) are definite (the remaining claims 6, 9, 11-14 and 16-18 having been cancelled). For simplicity and clarity

Applicants have responded to each of the points raised immediately following the rejection instead of grouping all the responses at the end of the rejections a-g.

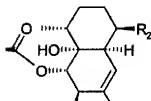
a. The rejection states that in claim 1 (e.g. at page 199, page 10), the phrase “including” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

Claim 1 has been amended by deleting the phrase “including” and rephrasing the claim to maintain the original intent, thus obviating the rejection.

b. The rejection states that in claim 1, two substituents that are attached to the ring nitrogen of the 1,2-oxazine ring and a substituent para to R₂ substituent are not clear. The rejection refers to the structures provided and states it is unclear if the ring nitrogen is attached by H or by methyl. If it is attached by methyl, applicants have to add a CH₃ group to N instead of -.



Likewise, the carbonyl and the substituent para to the R₂ appear to be part of a



Ring. The rejection questions whether Applicants intend a hydrogen or methyl group para to the R₂ substituent? The rejection recommends that If Applicants intend a methyl group, they have to add a CH₃ group para to the R₂ substituent.

Applicants submit that claim 1 is definite. Those skilled in the art would understand that a bond with no substituent at the end is attached by a methyl. The art is replete with examples of this form of structure drawing.

c. The rejection states that claim 12 provides for the use of a compound of formula (I), but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process Applicants are intending to encompass. The rejection states that a claim is

indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 12 has been cancelled thus obviating the rejection.

d. The rejection states that with regard to claim 15, the phrase "Preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase is a part of the claimed invention.

Claim 15 has been amended by deleting the additional "preferably phrase", thus obviating the rejection.

e. The rejection states that Claim 9 is rejected because it is multiply dependent on claim 8 and claim 1.

Claim 9 has been cancelled thus obviating the rejection.

f. The rejection states that in claims 8-9, 11-12 and 14-17, the phrase "solvate of ether entity" is not clear. The rejection recommends that applicants delete "which may be adapted for topical administration from composition claims 8-9."

Claims 9, 11, 12, 14, 16 and 17 have been cancelled. Claims 8 and 15 have been amended by deleting the phrase "solvate of ether entity" and replacing it with "the compound or the salt" thus obviating the rejection. The phrase "which may be adapted for topical administration" has been deleted from claims 8 and 15.

g. The rejection states that in claim 16, the phrase "for use as a parasiticide" is not clear. The rejection states that for use is a mental step, since it does not involve any actual steps. The rejection notes that claim 16 starts as a compound claim, but ends up as a method of use claim. The rejection states that if Applicants intend a method of use claim, then the claim should be written as a method of use claim.

Claim 16 has been cancelled thus obviating the rejection.

Claim 12 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101.

Claim 12 has been cancelled thus obviating the rejection.


The rejection states that claims 19-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The rejected base claim 1 having been amended Applicants submit that claims 19-41 are allowable.

Respectfully submitted,

Date: _____

2/6/08


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